

**CONCLUSION OF SESSION FOR  
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer, Senator Harris in Chair, announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 7:43 a.m. adjourned until 9:00 a.m. today.

**FIFTY-EIGHTH DAY  
(Wednesday, April 26, 1995)**

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Lucio.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Almighty God, we give thanks today for life's blessings and the knowledge that all we possess comes from Your graciousness. We ask this morning for Your presence in this historic chamber and in the minds of each Member as they come together to complete the work for which they were called.

Hear our prayer for those who shoulder the responsibility for the ongoing of state government and the quality of service to be provided. Now, bless the efforts of the Senate as it begins its work today and grant wise counsel to those in places of leadership and authority. In Jesus' name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MOMENT OF SILENT PRAYER**

The Senate observed a moment of silent prayer in memory of the lives lost and the tragedy that occurred in Oklahoma City one week ago today.

**LEAVE OF ABSENCE**

On motion of Senator Brown, Senator Lucio was granted leave of absence for today on account of important business.

**MESSAGE FROM THE HOUSE**

House Chamber

April 26, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1543**, Relating to the regulation of banking and of entities under the jurisdiction of state banking regulatory officials; providing administrative and criminal penalties.

The House has concurred in Senate amendments to **H.B. 856** by a record vote of 147 Ayes, 0 Nays, and 1 Present-not voting.

Respectfully,

Cynthia Gerhardt, Chief Clerk  
House of Representatives

**PERMISSION TO INTRODUCE BILL**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of **S.B. 1677**.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**S.B. 1672** by Barrientos Finance  
Relating to an exemption from annual registration fees for retired physicians performing voluntary charity care.

**S.B. 1673** by Lucio State Affairs  
Relating to the regulation of video draw poker; imposing a tax; providing civil and criminal penalties.

**S.B. 1677** by Barrientos, Armbrister, State Affairs  
Montford, Wentworth, Turner  
Relating to studying the feasibility of constructing a motion-picture soundstage facility on state-owned property in certain counties and authorizing the construction if it is feasible; making an appropriation.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**H.B. 466** to Committee on Criminal Justice.

**H.B. 514** to Committee on Criminal Justice.

H.B. 673 to Committee on Jurisprudence.  
H.B. 682 to Committee on Health and Human Services.  
H.B. 943 to Committee on Intergovernmental Relations.  
H.B. 1366 to Committee on Health and Human Services.  
H.B. 1637 to Committee on Economic Development.  
H.B. 1824 to Committee on Intergovernmental Relations.  
H.B. 3003 to Committee on Natural Resources.  
H.B. 3104 to Committee on Economic Development.  
H.B. 3116 to Committee on Finance.

#### SENATE BILL 1145 REREFERRED

On motion of Senator West and by unanimous consent, S.B. 1145 was withdrawn from the Committee on Health and Human Services and was rereferred to the Committee on Economic Development.

#### SENATE BILL 68 WITH HOUSE AMENDMENTS

Senator West called S.B. 68 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### Amendment

Amend S.B. 68 by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the reckless discharge of a firearm; creating an offense and providing criminal penalties and civil remedies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.12 to read as follows:

Sec. 42.12. DISCHARGE OF FIREARM IN CERTAIN METROPOLITAN AREAS. (a) A person commits an offense if the person recklessly discharges a firearm inside the corporate limits of a municipality having a population of 100,000 or more.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the person may be prosecuted under either section.

(d) Subsection (a) does not affect the authority of a municipality to enact an ordinance that prohibits the discharge of a firearm.

SECTION 2. Section 125.001, Civil Practice and Remedies Code, as amended by Section 1, Chapter 968, and Section 2, Chapter 857, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 125.001. COMMON NUISANCE. A person who knowingly maintains a place to which persons habitually go for the purpose of prostitution or gambling in violation of the Penal Code, for the purpose

of discharge of a firearm in a public place in violation of Section 42.01(a)(9), Penal Code, for the purpose of reckless discharge of a firearm as described by Section 42.12 [42.015], Penal Code, for the purpose of engaging in organized criminal activity as a member of a combination [or as a member of a criminal street gang] as described by Section 71.02, Penal Code, or for the delivery or use of a controlled substance in violation of Chapter 481, Health and Safety Code, maintains a common nuisance.

SECTION 3. Section 125.004(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Proof that prostitution or gambling in violation of the Penal Code, that discharge of a firearm in a public place in violation of Section 42.01(a)(9), Penal Code, that reckless discharge of a firearm as described by Section 42.12 [42.015], Penal Code, or that the delivery or use of a controlled substance in violation of Chapter 481, Health and Safety Code, is frequently committed at the place involved or that the place is frequently used for reckless discharge of a firearm as described by Section 42.12 [42.015], Penal Code, is prima facie evidence that the proprietor knowingly permitted the act.

SECTION 4. Section 125.004(b), Civil Practice and Remedies Code, as amended by Section 3, Chapter 857, and Section 2, Chapter 968, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) Evidence that persons have been convicted of gambling, committing prostitution, discharge of a firearm in a public place in violation of Section 42.01(a)(9), Penal Code, reckless discharge of a firearm as described by Section 42.12 [42.015], Penal Code, engaging in organized criminal activity as a member of a combination ~~[or as a member of a criminal street gang]~~ as described by Section 71.02, Penal Code, or delivering or using a controlled substance in violation of Chapter 481, Health and Safety Code, in the place involved is admissible to show knowledge on the part of the defendant that the act occurred. The originals or certified copies of the papers and judgments of those convictions are admissible in the suit for injunction, and oral evidence is admissible to show that the offense for which a person was convicted was committed at the place involved.

SECTION 5. Section 125.021, Civil Practice and Remedies Code, as amended by Section 1, Chapter 968, and Section 2, Chapter 857, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 125.021. PUBLIC NUISANCE. The habitual use or the threatened or contemplated habitual use of any place for any of the following purposes is a public nuisance:

- (1) gambling, gambling promotion, or communicating gambling information prohibited by law;
- (2) promotion or aggravated promotion of prostitution;
- (3) compelling prostitution;
- (4) commercial manufacture, commercial distribution, or commercial exhibition of obscene material;

(5) commercial exhibition of live dances or other acts depicting real or simulated sexual intercourse or deviate sexual intercourse;

(6) engaging in a voluntary fight between a man and a bull if the fight is for a thing of value or a championship, if a thing of value is wagered on the fight, or if an admission fee for the fight is directly or indirectly charged, as prohibited by law;

(7) discharge of a firearm in a public place in violation of Section 42.01(a)(9), Penal Code;

(8) reckless discharge of a firearm as described by Section 42.12 [~~42.015~~], Penal Code; ~~or~~

(9) ~~[(7)]~~ engaging in organized criminal activity as a member of a combination ~~[or as a member of a criminal street gang]~~ as described by Section 71.02, Penal Code; or

(10) ~~[(8)]~~ delivering or using a controlled substance in violation of Chapter 481, Health and Safety Code.

SECTION 6. Section 125.041, Civil Practice and Remedies Code, as amended by Section 1, Chapter 968, and Section 2, Chapter 857, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 125.041. PUBLIC NUISANCE. For the purposes of this subchapter, a public nuisance is considered to exist at a place if one or more of the following acts occurs at that place on a regular basis:

(1) gambling, gambling promotion, or communication of gambling information, as prohibited by Chapter 47, Penal Code;

(2) promotion or aggravated promotion of prostitution, as prohibited by Chapter 43, Penal Code;

(3) compelling prostitution, as prohibited by Chapter 43, Penal Code;

(4) commercial manufacture, commercial distribution, or commercial exhibition of material that is obscene, as defined by Section 43.21, Penal Code;

(5) commercial exhibition of a live dance or other act in which a person engages in real or simulated sexual intercourse or deviate sexual intercourse, as defined by Section 43.01, Penal Code;

(6) discharge of a firearm in violation of Section 42.01(a)(9), Penal Code;

(7) reckless discharge of a firearm as described by Section 42.12 [~~42.015~~], Penal Code; ~~or~~

(8) ~~[(6)]~~ engaging in organized criminal activity as a member of a combination ~~[or as a member of a criminal street gang]~~ as described by Section 71.02, Penal Code; or

(9) ~~[(7)]~~ manufacture, delivery, or use of a controlled substance in violation of Chapter 481, Health and Safety Code.

SECTION 7. The change in law made by Sections 2-6 of this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect at the time the cause of action accrued, and that law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 1995.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

#### Floor Amendment No. 1

Amend C.S.S.B. 68, 1st committee printing, as follows:

(1) On page 5, between lines 17 and 18, insert the following:

SECTION 7. Subchapter C, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.046 to read as follows:

Sec. 125.046. ADDITIONAL REMEDIES; RECEIVER. (a) If, in any judicial proceeding under Subchapter A or B, a court determines that a person is maintaining a multiunit residential property that is a common nuisance or a multiunit residential property at which a public nuisance exists, the court may, on its own motion or on the motion of any party, order the appointment of a receiver to manage the property or render any other order allowed by law as necessary to abate the nuisance.

(b) A receiver appointed under this section may not be appointed for a period longer than one year.

(c) The court shall determine the management duties of the receiver, the amount to be paid the receiver, the method of payment, and the payment periods.

(d) A receiver appointed under this section shall continue to manage the property during the pendency of any appeal relating to the nuisance or the appointment of the receiver.

(e) In this section, "multiunit residential property" means improved real property with at least three dwelling units, including an apartment building or condominium. The term does not include:

(1) a property in which each dwelling unit is occupied by the owner of the property; or

(2) a single-family home or duplex.

(2) On page 5, strike line 18, and substitute "SECTION 8. The change in law made by Sections 2-7 of this".

(3) On page 5, line 24, strike "SECTION 8" and substitute "SECTION 9".

(4) On page 5, line 25, strike "SECTION 9" and substitute "SECTION 10".

#### Floor Amendment No. 2

Amend C.S.S.B. 68 by adding the following new section and renumbering the subsequent sections accordingly.

SECTION 1. Sections 22.05(b) and (e), Penal Code, are amended to read as follows:

(b) A person commits an offense if he knowingly discharges a firearm at or in the direction of:

- (1) one or more individuals; ~~[or]~~
- (2) a ~~[habitat;]~~ building[;] or vehicle and is reckless as to whether the ~~[habitation;]~~ building[;] or vehicle is occupied; or
- (3) a habitation.

(e) An offense under Subsection (a) is a class A misdemeanor. An offense under Subsection (b) is a felony of the second ~~[third]~~ degree.

#### **Floor Amendment No. 1 on Third Reading**

Amend C.S.S.B. 68 on third reading by amending 2nd reading Amendment No. 2 by Puente to read as follows:

Amend C.S.S.B. 68 by adding the following new section and renumbering the subsequent sections accordingly.

SECTION 1. Section 22.05(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if he knowingly discharges a firearm at or in the direction of:

- (1) one or more individuals;
- (2) a habitation; or
- (3) a building, or vehicle and is reckless as to whether the building or vehicle is occupied. ~~[or (2) a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.]~~

The amendments were read.

Senator West moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 68 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators West, Chair; Cain, Whitmire, Brown, and Moncrief.

#### **SENATE RESOLUTION 713**

Senator Barrientos offered the following resolution:

**S.R. 713**, Recognizing George L. Finch of Austin for his contributions to the Boy Scouts of America.

The resolution was again read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Wednesday, April 12, 1995.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate George L. Finch, his wife, Connie, and his mother, Mrs. Helen Finch.

The Senate welcomed its guests.

**CONCLUSION OF MORNING CALL**

The President at 9:18 a.m. announced the conclusion of morning call.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

Members, Texas Alcoholic Beverage Commission: STEVEN R. BAKER, Harris County; MARTHA S. DICKIE, Travis County.

Members, State Conservatorship Board: CAROLYN GALLAGHER, Travis County; BYRON TUNNELL, Smith County; J. MICHAEL WEISS, Lubbock County.

Members, Texas Juvenile Probation Commission: RAUL C. GARCIA, Tom Green County; COMMISSIONER ROBERT TEJEDA, Bexar County.

Members, Texas Board of Mental Health and Mental Retardation: DR. RODOLFO "RUDY" ARREDONDO, JR., Lubbock County; CHARLES M. COOPER, Dallas County; JAMES I. PERKINS, Cherokee County.

Presiding Judge of the First Administrative Judicial Region: JUDGE PAT McDOWELL, Dallas County.

Members, Texas State Board of Medical Examiners District One Review Committee: DR. A. DAVID AXELRAD, Harris County; THOMAS A. REISER, Harris County.

Members, Texas State Board of Medical Examiners District Three Review Committee: DR. THOMAS L. MARVELLI, Tarrant County; ROBERT ALLAN WATSON, Tarrant County.

Members, Texas State Board of Medical Examiners District Four Review Committee: DR. JULIAN GOMEZ III, Hidalgo County;



DR. LARRY HUFFORD, Bexar County; DR. ANN L. NOLEN, Fayette County.

Members, Board of Nurse Examiners: NANCY BOSTON, Bell County; KENNETH W. LOWRANCE, Bosque County; ROSELYN HOLLOWAY, Lubbock County; DORIS PRICE-NEALY, Jefferson County; ROBERT J. PROVAN, Travis County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: DR. CHARLES P. TURCO, Jefferson County.

Members, Sulphur River Basin Authority Board of Directors: JOHN McCOOL HOWISON, Red River County; MAXINE J. NANZE, Cass County.

Member, Commission on Uniform State Laws: PATRICK C. GUILLOT, Dallas County.

Members, Texas Veterans Commission: HERBERT W. ODELL, Tarrant County; PATSY L. PALMQUIST, Medina County.

Members, State Board of Veterinary Medical Examiners: DR. ROBERT I. HUGHES, Shelby County; SHARON O. MATTHEWS, Shackelford County; DR. MICHAEL JAY McCULLOCH, Ector County.

Members, Board of Vocational Nurse Examiners: SUSIE BELLE "MILLER" CHENEY, Camp County; ALBERT H. FAIRWEATHER, Travis County; VANGIE F. PEREZ, Fort Bend County; DR. MARIA OLIVIA RIVAS, Cameron County; RUDOLPH ROBERT WILLMANN, JR., Bexar County; JANET WOOD-YANEZ, Hidalgo County.

#### HOUSE BILL 840 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 840**, Relating to the enforcement of the limitation on the amount that certain municipalities may retain from amounts collected for traffic violations.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend **H.B. 840** as follows:

(1) In SECTION 1, Section 144, subsection (f), insert the following language between the words "amounts" and "under":  
"of 20 percent or more"

(2) In SECTION 1, Section 144, Subsection (f), delete the words "state treasurer" and substitute the words "state comptroller".

(3) In SECTION 1, Section 144, Subsection (g), delete the word "treasurer" and substitute the word "comptroller".

(4) Add a new SECTION 2 to read as follows:

"SECTION 2. Section 144, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) If the state comptroller conducts an audit pursuant to subsection (g) and it is determined that the city is retaining more than 20% of the amounts under subsection (b) and has not complied with subsection (f), the city shall pay for the costs incurred by the state comptroller to conduct the audit.

(5) Renumber existing SECTION 2 to be SECTION 3.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

#### HOUSE BILL 840 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 840 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

#### SENATE BILL 1636 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1636**, Relating to the regulation of the practice of selling real estate.

The bill was read second time.

Senator West offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **S.B. 1636** as follows:

- (1) In SECTION 10 strike subsection (r).
- (2) In SECTION 30 strike subdivision (19).

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

#### SENATE BILL 1636 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

(Senator Ellis in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1221 ON SECOND READING**

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1221**, Relating to voluntary road use agreements between a person and a county.

The bill was read second time.

(President in Chair)

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 1221** as follows:

(1) In SECTION 1, at page 1, line 19 of the committee report, insert the following new Subsections (b) and (c) and renumber the subsequent subsections accordingly:

(b) It is the policy of this state that road use agreements authorized and executed under this section:

(1) be consistent and relatively uniform among the counties; and

(2) promote equal treatment among all parties choosing to enter into a road use agreement with a county.

(c) The Texas Department of Transportation shall adopt relatively uniform standards for any county road use agreement resolution adopted under Subsection (d) of this section. At a minimum, the standards shall specify:

(1) a methodology based on vehicular weight and the number of trips made on a road to ensure that the consideration paid by a party under a road use agreement is substantially equal to the consideration paid by every other party;

(2) the type of consideration that may be paid to a county under a road use agreement; and

(3) an accounting and reporting methodology to verify to the department that any consideration paid under a road use agreement is linked to a specific county road and the consideration is used only to pay for improvements or repairs to the road.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1221 ON THIRD READING**

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1221** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 528 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 528**, Relating to the protection of certain unmarked burials and associated human remains or funerary objects and to the creation of certain offenses concerning unmarked burials; providing criminal penalties.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 528** in SECTION 192.005 of the Natural Resource Code (committee printing, page 3, line 35) by inserting between the words "objects" and "shall", the phrase "not claimed for reburial".

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 528 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 528** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**GUEST PRESENTED**

The President introduced to the Senate the Honorable George W. Bush, Governor of Texas.

The Senate welcomed Governor Bush.

**CAPITOL PHYSICIAN**

Senator Wentworth was recognized and presented Dr. Leonard G. Paul of San Antonio as the "Doctor for the Day."

The Senate welcomed Dr. Paul and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**COMMITTEE SUBSTITUTE****SENATE BILL 598 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 598**, Relating to the settlement of claims on certain life insurance policies or annuity contracts and to payment of interest on those claims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 598 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 597 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 597**, Relating to mandatory reinstatement of certain life policies in case of mental incapacity of an insured.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 597 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 597** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1185 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1185**, Relating to the inclusion of a psychologist on the medical advisory committee appointed by the Texas Workers' Compensation Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1185 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1185** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Harris, Haywood, Henderson, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Galloway, Leedom.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTES**

Senators Galloway and Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 1375 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1375**, Relating to a municipal utility district composed of noncontiguous areas located in the extraterritorial jurisdiction of two municipalities.

The bill was read second time.

Senator Wentworth offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **S.B. 1375** on page 1, line 20 by inserting the following before the semi-colon:

"and neither county has a population greater than 2,500,000 at the last federal census"

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1375 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1375** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Cain in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1295 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1295**, Relating to use of the open market purchase procedure for certain state travel services.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1295 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Leedom.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1428 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1428**, Relating to abolishing certain state governmental entities.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 1428** by deleting ARTICLE 1 in its entirety and renumbering the remaining ARTICLES appropriately.

The amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 1428** by deleting ARTICLE 5. ABOLITION OF OFFICE FOR THE PREVENTION OF DEVELOPMENTAL DISABILITIES and renumbering the subsequent articles accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.S.B. 1428** by deleting Article 12 in its entirety and renumbering the remaining articles accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **C.S.S.B. 1428** as follows:

- 1) Delete Article 19 in its entirety.
- 2) Renumber remaining Articles and Sections accordingly.



The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1428 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1116 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1116**, Relating to the Texas Incentive and Productivity Commission and its operation of the state employee incentive program and the productivity bonus program.

The bill was read second time.

**(President in Chair)**

Senator Leedom offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **S.B. 1116** by striking "by rule of the commission" on page 2, line 3, and substituting "in the General Appropriations Act".

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1116 ON THIRD READING**

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1106 ON THIRD READING**

Senator Brown, on behalf of Senator Sims, moved that the regular order of business be suspended and that **C.S.S.B. 1106** be placed on its third reading and final passage.

**C.S.S.B. 1106**, Relating to the management of wildlife resources; providing a penalty.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Leedom, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Gallegos, Luna, Moncrief, Rosson, Truan, West, Zaffirini.

Absent: Henderson, Madla.

Absent-excused: Lucio.

**(Senator Truan in Chair)**

The bill was read third time and was finally passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Barrientos, Ellis, Gallegos, Harris, Luna, Moncrief, Rosson, Truan, West, and Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a group of students from Murchison Middle School of Austin.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Ratliff was recognized and introduced to the Senate a group of students from Cooper High School in Delta County.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a group of students and teachers from Blackshear Elementary School of Austin.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Sims was recognized and introduced to the Senate a group of students from Fairway Middle School in Killeen.

The Senate welcomed its guests.

#### **SENATE BILL 942 ON SECOND READING**

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 942**, Relating to the On-site Wastewater Treatment Research Council.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **S.B. 942** by deleting SECTION 4 of the committee report, and inserting in its place the following:

"SECTION 4. Chapter 367, Health and Safety Code, is amended by adding Section 367.011 to read as follows:

Sec. 367.011. ON-SITE WASTEWATER TREATMENT RESEARCH ACCOUNT. The on-site wastewater treatment research account is an account in the general revenue fund."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Barrientos asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 942 ON THIRD READING**

Senator Brown, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 942** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Barrientos.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**BILLS AND RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**H.B. 736**

**H.B. 2049**

**H.B. 2050**

**H.C.R. 64**

**H.C.R. 165**

**SENATE BILL 1059 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1059**, Relating to the training of licensed or certified individuals providing services to geriatric residents as employees or volunteers of certain facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1059 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 625 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 625**, Relating to the filing of a notice of protest with an appraisal review board by an undesignated agent.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 625 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 625** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1090 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1090**, Relating to the violation of a court order enjoining a person from engaging in certain organized criminal activity; providing a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1090 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1090** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1390 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1390**, Relating to motorcycle license fees and the motorcycle education fund.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **S.B. 1390** as follows:

1) Replace lines 15 through 17 of the introduced bill with Subdivision (2) of subsection (a), Section 19 of Article 6687b, Vernon's Texas Civil Statutes to read as follows:

(2) Class M License—for all Driver License transactions under this act or Article 6687b-2, Commercial Driver's License, involving a Class M License, the department shall collect an additional five dollar (\$5.00) fee which shall be deposited in the motorcycle education fund in the state treasury. This fee does not apply to persons applying for a duplicate license; [originals issued for four (4) years, Sixteen Dollars (\$16.00); renewals issued for four (4) years Twenty one Dollars (\$21.00);]

2) Remove SECTION 2. of introduced version of bill entirely and replace with the following:

SECTION 2. Subsection (c), Section 19, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is repealed.

The committee amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **S.B. 1390**, as amended, by deleting SECTION 3 of the bill in its entirety.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1390 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

(Senator Armbrister in Chair)

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a group of second-grade students and teachers from Patton Elementary School of Austin.

The Senate welcomed its guests.

**SENATE RULE 11.11 SUSPENDED  
(Posting Rule)**

On motion of Senator Truan and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on International Relations, Trade, and Technology might meet today upon adjournment.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Truan and by unanimous consent, Senate Rule 11.19 was suspended in order that the Subcommittee on Water might consider the following bills today:

**H.B. 724**

**S.B. 1674**

**H.B. 846**

**H.B. 1480**

**H.B. 1600**

**MEMORIAL RESOLUTIONS**

**S.R. 800** - By Turner: In memory of Ceaser O'Neal, Jr., of Huntsville.

**S.R. 806** - By Turner: In memory of John Arnold DeVoke, Jr., of Houston.

**S.R. 808** - By Turner: In memory of James Henry Standley of Madisonville.

**S.R. 814** - By Turner: In memory of Gus Mutscher, Sr., of Brenham.

**S.R. 817** - By Turner: In memory of Patricia Arnold Martin of Bryan.

**S.R. 818** - By West: In memory of William Edwin White of Dallas.

**S.R. 820** - By Galloway: In memory of former Liberty County Judge Dempsie Henley.

**H.C.R. 157** - (Brown): In memory of Pearland Mayor C. V. "Vic" Coppinger.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 792** - By Whitmire: Congratulating Jane Bradley Fuchek of Houston on the occasion of her retirement from Seton Catholic Junior High School.

**S.R. 793** - By Whitmire: Congratulating Margaret "Marge" Egan on the occasion of her retirement as president and manager of the Big Three/Bowen Credit Union.

**S.R. 794** - By Barrientos: Congratulating Charles Brown of Austin on achieving the rank of Eagle Scout.

**S.R. 795** - By Brown: Commending the City of Lake Jackson for preserving and developing the Abner Jackson Plantation Site.

**S.R. 796** - By Brown: Congratulating Dora Garcia of Dallas on attending the School To Work Program.

**S.R. 797** - By Turner: Congratulating M. E. Baker of Marlin on the occasion of his retirement as director of the Thomas T. Connally Department of Veterans Affairs Medical Center.

**S.R. 798** - By Turner: Congratulating Dr. Ralph A. Zingaro on the occasion of his retirement from Texas A&M University.

**S.R. 799** - By Turner: Congratulating Taylor Riedel of College Station on the occasion of his retirement from the banking industry.

**S.R. 801** - By Turner: Commending Randall Bohls for being named Master Farmer by the Taylor Chamber of Commerce.

**S.R. 802** - By Turner: Congratulating John Thompson of Taylor on being selected Citizen of the Year by the Taylor Rotary Club.

**S.R. 803** - By Turner: Commending the Council for the Betterment of Cameron on winning the Outstanding Community Involvement Award.

**S.R. 804** - By Turner: Congratulating Charles Wade on winning the Outstanding Agriculture Award from the Cameron Area Chamber of Commerce.

**S.R. 805** - By Turner: Congratulating Larry Spivey on being selected for the Outstanding Service Award by the Cameron Area Chamber of Commerce.

**S.R. 807** - By Turner: Congratulating Mr. and Mrs. Charlie Kenjura of Brenham on their 50th wedding anniversary.

**S.R. 809** - By Turner: Congratulating Paulette Taylor on receiving the Georgetown Sertoma Club's 1995 Service to Mankind Award.

**S.R. 810** - By Turner: Congratulating Mr. and Mrs. Robert C. Armstrong of Caldwell on their 50th wedding anniversary.

**S.R. 811** - By Turner: Congratulating Ellie K. McKenzie of Madisonville on the occasion of her 95th birthday.

**S.R. 812** - By Turner: Recognizing Melanie Shuffield for her contributions as the president of the Cameron Area Chamber of Commerce.

**S.R. 813** - By Turner: Congratulating Specialist Grover L. Howard for winning the Soldier of the Year Award from the Taylor Chamber of Commerce.

**S.R. 815** - By Turner: Congratulating Sir Derek Barton for receiving the 1995 Priestly Award from the American Chemical Society.

**S.R. 816** - By Turner: Congratulating National Guard Captain Tom Benton, Commander of Company E, 111th Engineer Battalion, which won an award from the Taylor Chamber of Commerce.

**S.R. 821** - By Galloway: Congratulating the Orange County Airport on being selected as the Airport of the Year for 1995 by the Texas Department of Transportation.

**S.R. 822** - By Galloway: Congratulating Dr. Charles Walker, who is retiring from his post as chairman of the Jefferson County Republican Party.

**S.R. 823** - By Nelson: Congratulating Dr. Robert W. Sloane, Jr., who will be installed as President of the Tarrant County Medical Society.

**S.R. 824** - By Nelson: Recognizing Debby Brown, 1994-1995 President of the Tarrant County Medical Society Alliance.

**S.R. 825** - By Nelson: Congratulating Sandy Lanier, incoming President of the Tarrant County Medical Society Alliance.

**S.R. 826** - By Nelson: Recognizing Dr. James F. Herd, 1994-1995 President of the Tarrant County Medical Society.

**H.C.R. 172** - (Zaffirini): Recognizing April 22-29, 1995, as National Infant Immunization Week.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 11:11 a.m. adjourned until 9:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:



April 26, 1995

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
**H.C.R. 30**

ECONOMIC DEVELOPMENT — **S.B. 1319, S.B. 1361, S.B. 1410,  
S.B. 1158, C.S.H.B. 383, C.S.S.B. 1029, C.S.S.B. 1026**

EDUCATION — **H.B. 2068, H.B. 2066, H.B. 1664 (Amended),  
S.B. 1491 (Amended), S.J.R. 39 (Amended), C.S.S.B. 1228**

**FIFTY-NINTH DAY**  
(Thursday, April 27, 1995)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, Stoney Point Baptist Church, Del Valle, offered the invocation as follows:

Dear Father, we come to You today in the name of our Lord, Jesus Christ, thanking You for all the blessings You have given to us, for peace and joy, for Your love, and for all the needs You have met. But today we ask for our leaders that You would give to them understanding, wisdom, and knowledge. For the work today, guide us with Your sweet spirit to make the right decisions. In Jesus' name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 1346**

On motion of Senator West and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1346**.

**CO-AUTHORS OF SENATE BILL 1487**

On motion of Senator Zaffirini and by unanimous consent, Senators Ellis, Madla, Truan, and West will be shown as Co-authors of **S.B. 1487**.